



**ADVERTISING  
STANDARDS  
BUREAU**

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# Case Report

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|----------|--------------------------------------|--|
| <b>1</b> | <b>Case Number</b>                   | <b>0411/10</b>                           |
| <b>2</b> | <b>Advertiser</b>                    | <b>Calvin Klein Underwear</b>            |
| <b>3</b> | <b>Product</b>                       | <b>Clothing</b>                          |
| <b>4</b> | <b>Type of Advertisement / media</b> | <b>Billboard</b>                         |
| <b>5</b> | <b>Date of Determination</b>         | <b>13/10/2010</b>                        |
| <b>6</b> | <b>DETERMINATION</b>                 | <b>Upheld - Modified or Discontinued</b> |

## ISSUES RAISED

- 2.3 - Violence Violence
- 2.4 - Sex/sexuality/nudity S/S/N - general

## DESCRIPTION OF THE ADVERTISEMENT

Image on the left shows three men and one woman. Two of the men are wearing jeans and no tops, and the top buttons of their jeans are undone. The third man is wearing a dark shirt which is unbuttoned to the waist and we cannot see if he is wearing jeans. The woman is wearing a black bra and one of the straps is falling off her shoulder. She appears to be naked otherwise. The woman is lying on her back with her head resting on the thighs of one of the men, and he is looking down at her. Another man is crouched over her and appears to be about to kiss her neck. He has an arm around her waist, and the seated man has his hand resting on his back as though he is pushing him down on the woman. The third man is sat on the ground looking away from the others. The image is in black and white, and has red lines which appear to have been painted on the left and right hand sides of the image. In the bottom right hand corner it says, "Calvin Klein Jeans. X" The image on the right is of a woman sat on a bench with her legs splayed. She is wearing what appear to be wet skintight jeans and a black sleeveless top. This image is also in black and white and has red lines to the left and right. There is no text on this image.

## THE COMPLAINT

A sample of comments which the complainant/s made regarding this advertisement included the following:

*For the record I loathe the idea of Calvin Klein using this complaint as a catalyst for using controversy to their advantage as they've done in the States but someone has to speak out.*

*Show this picture to women who've been sexually violated get their response and let's see how clever these advertisers really are. The ad is violent and strongly depicts rape. It is demeaning to women and sexually exploitative. The ad presents a scene in my view a rape (on the left) which is not only illegal but completely unacceptable and contrary to prevailing community standards. When coupled with the picture on the right of the woman sitting alone on a park bench with her legs spread (as if waiting to be raped) it sends a message that all women asked to be raped indeed invite it. Thank you for considering my submission. The advertisement is clearly portraying and glamourising pack rape.*

*It is the most offensive advertisement that I have ever seen. I would suggest that the ASB which is already under scrutiny for its failure to meet community standards in relation to sexuality and the objectification of women needs to act on this advertisement at once. The advertisement has shock value. The scene is so akin to a gang rape scenario that it's hard to imagine it could be otherwise. Certainly many woman who have experienced sexual violence would think so! The billboard glorifies sexual assault - an insult to the sexually damaged of our community and a message we should not promote in our society. This scene is almost a gang rape scene. It is a scene of violence against a woman which gives the message that she thinks it's ok. The message to people viewing it is that gang rape is ok and that women like it. It is a disgusting and demeaning depiction of what is for some women and young girls a horrendous and traumatic experience. Less visual images and ideas that this is ok is the rightful response to these experiences. Not billboards trying to glamourise and eroticise scenes of rape and abuse.*

*The billboard is insulting for those who have experienced sexual assault. Take the billboard down.*

*Please work with stronger standards to protect women and children in our society who have been or will be subject to sexual assault and violence. Unless it said Calvin Klein I would have no idea it is advertising jeans. I am shocked in the most horrible way that this billboard seems to depict a gang rape. In one picture this woman appears relaxed confident and comfortable. But in the other picture two of the men s jeans are unbuttoned. It looks as if she has given up the fight. One man holding her in place by her hair. This offends me because I am a woman with two daughters and all three of us are of more worth than to be treated this way and if it is in view of the public I believe it is condoning rape and the objectification of women.*

*This billboard needs to be taken down. This ad appears to depict a scene where the woman is or has had sex with one or more of the males. I find this debasing as the woman appears as though she is powerless. I find it offensive that such images are displayed at all but particularly to an audience that includes children. The behaviour depicted would not be acceptable on an actual park bench in public and contributes to the unhealthy sexualisation of children.*

*I found this advertisement offensive as I believe it clearly suggests some sort of gang rape scenario. The woman is having her hair pulled so hard her head is pulled back while another man leans over her and their pants are undone. None of the people on the billboard seem to be enjoying the situation in any way. This is a huge billboard in a busy area and given much research states as many as 1 in 4 women in Australia are victims of domestic violence many of the women who walk past and see this ad may find it triggering and upsetting. I also find it problematic in that it will be viewed by many children being in a public space. I myself must*

*walk past this ad many times as I go to work as a nurse who sees many victims of these sorts of crimes and so I find the ad in extremely bad taste. It is glamourising rape and violence towards women. This is upsetting for any woman to see but is particularly traumatising for rape victims. How this can be allowed is beyond me it is sick and has absolutely nothing to do with the clothes that it is supposed to be advertising. I do not want my daughters to see images of women and men and think that this behaviour is acceptable and the norm. I want my children to be innocent free and protected from sexual images. Children watch carefully and imitate what they see adults doing. Sexual images should be kept within adult parameters and/or in adult time slots.*

## **THE ADVERTISER'S RESPONSE**

Comments which the advertiser made in response to the complainant/s regarding this advertisement include the following:

*We appreciate receiving feedback on the image, and take seriously any complaint about our client's advertising. Our response to the complaint is that the models are partially unclothed however not nude. The woman in the image on the left is not struggling, nor does she look distressed. There is no violence as the men are holding her. In the image on the right, which clearly follows as a narrative from the image on the left, the woman is relaxed and comfortable, clarifying for the viewer that there has been consent and no violence within the narrative and the imagery. This image is in a public space, and this billboard has been selected to target the Calvin Klein Jeans consumer, and is not actively directed toward children.*

## **THE DETERMINATION**

The Advertising Standards Board ("Board") considered whether this advertisement breaches section 2 of the Advertiser Code of Ethics (the "Code").

The Board reviewed the advertisement and noted the advertiser's response.

The Board noted the complainants' concerns that the advertisement depicts a scene of violence suggesting imminent rape or group sex, is inappropriately sexualised and is demeaning to women.

The Board considered whether the advertisement complied with Section 2.2 of the Code which requires that: "advertising or marketing communications shall not present or portray violence unless it is justifiable in the context of the product or service advertised".

The Board noted the advertiser's response that the advertisement is not directed to children and that the advertisement is not suggestive of violence or lack of consent. The Board

considered that the image of the woman was suggestive of non consensual sexual behaviour. The Board determined that the violence depicted in the advertisement was not justified in the context of the product advertised and that the advertisement breached Section 2.2 of the Code.

The Board noted that the second image, of the woman sitting on the bench alone with her legs apart, is by virtue of its location with the first image, inappropriately sexually suggestive. The Board considered that as an image on its own it would be less sexually suggestive and potentially acceptable to a broad audience.

The Board also considered whether the advertisement was in breach of Section 2.3 of the Code. Section 2.3 of the Code states: “Advertising or Marketing Communications shall treat sex, sexuality and nudity with sensitivity to the relevant audience and, where appropriate, the relevant programme time zone”.

The Board considered the depiction of the woman with the three men to be highly sexualised and clearly suggestive of sexual behaviour. The Board considered that whilst the act depicted could be consensual, the overall impact and most likely takeout is that the scene is suggestive of violence and rape. The Board considered that the image was demeaning to women by suggesting that she is a plaything of these men. It also demeans men by implying sexualised violence against women.

The Board noted that the advertisement is a billboard and is therefore available to a broad audience and that it is this broad audience which must be considered when determining whether the advertisement treats sex, sexuality and nudity with sensitivity to the relevant audience.

The Board considered that this billboard does not treat sex, sexuality and nudity with sensitivity to the relevant audience and breaches Section 2.3 of the Code.

Finding that the advertisement breaches Section 2.2 and 2.3 of the Code, the Board upheld the complaints.

## **ADVERTISER RESPONSE TO DETERMINATION**

The status of the billboard advertising referred to in complaint 0411/10 is as follows:

- SYD: General Holmes Drive - removed
- MELB: Corner of City Rd and Southbank - removed We have written confirmation from APNO that all sites would be down by COB yesterday, October 20 and there are no plans to use this creative in the future.